



## **Community First Pretrial Reform and Jail Decarceration Act**

***Reps. David Trone (D-MD) and Kelly Armstrong (R-ND)***

### **Background**

Small and mid-size American communities are facing a crisis of deepening poverty, a lack of public health and social services, and a rising tide of jail incarceration. While large cities are making strides to reduce the number of people entering jails and prison, rural counties and mid-size cities are experiencing a staggering increase in their jail populations. Incarceration rates in urban areas have declined by 22 percent since 2013 but have grown by 27 percent in rural counties and 7 percent in small and mid-sized cities over that same time.<sup>1</sup> As a result, the total U.S. jail population continues to increase. The path to ending mass incarceration must include policies that reduce prison and jail populations from big cities to small towns across this country.

One of the leading factors driving the increase in incarceration rates is the expanded use of pretrial detention. Approximately two-thirds of people held in American jails are there awaiting trial and have been convicted of no crime.<sup>2</sup> Even short stays in jail pretrial can have devastating consequences, such as job loss, loss of the custody of one's children, and an increased likelihood of being convicted, receiving a harsh sentence, and involvement in the criminal justice system again in the future. To stem the tide of mass incarceration it is critical that we invest in and incentivize state decarceration and pretrial reforms.

### **About the Legislation**

The Community First Pretrial Reform and Jail Decarceration Act creates a Department of Justice (DOJ) grant program to incentivize local governments to invest in programs and policies that reduce their jail population and the number of days individuals spend in jail. Local governments will do this through reforms and innovations within their pretrial justice system. We must change federal incentives to reward local governments that are addressing the mass incarceration crisis instead of spending more federal dollars on a broken system.

#### *Main elements of the legislation:*

- Authorizes \$600 million for strategic planning and implementation grants to analyze local criminal justice and incarceration data, including data on racial and ethnic disparities, and to develop and implement a strategic plan to decrease local jail incarceration.
- Grants under this legislation would assist local government entities, in partnership with nonprofit organizations, to establish policies and programs to reduce pretrial incarceration rates including:
  - Eliminating or reducing the use of cash bail and reducing revocations of conditional release;
  - Creating or expanding pretrial services and diversion programs;
  - Investing in case processing to reduce overall time to disposition and time between court events;

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<sup>1</sup> <https://www.vera.org/downloads/publications/people-in-jail-in-2019.pdf>

<sup>2</sup> <https://www.vera.org/publications/for-the-record-justice-denied-pretrial-detention>

- Ensuring early assignment of counsel and presence of counsel at individuals' first court appearance or bail hearing;
  - Other emerging, promising, or evidence-based approaches to reduce local jail incarceration.
- Grantees would be required to reduce incarceration rates by no less than five percent in the first year of the award and 10 percent in each subsequent year.
- Funding priority would be given to small metropolitan, micropolitan, or noncore jurisdictions with the highest incarceration rates that are not already in decline.

**Organizational Support for the Legislation**

Vera Institute of Justice

R Street

ACLU